

REMARKS

This response is intended as a full and complete response to the final Office Action mailed April 7, 2005. In the Office Action, the Examiner notes that claims 1-16 are pending and rejected. By this response, all claims continue unamended.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive reply.

REJECTIONS

35 U.S.C. §102

Claims 1-16

The Examiner has rejected claims 1-16 under 35 U.S.C. 102(e) as being anticipated by Schein et al. (U.S. Patent No. 6,002,394, hereinafter "Schein"). Applicants respectfully traverse the rejection.

The Examiner appears to be incorrectly interpreting the scope of "editorial content" as any content that is editorial in nature. By that interpretation, linking to a news link would be equivalent to linking to editorial content. In the present art of television navigation controls and electronic program guides (EPG), even though news could be editorial content, not all news is editorial content. As framed by the background of the present invention, editorial content are viewed in the context of the program. For example, the editorial content deployed by the cable system at the time of the invention includes brief textual descriptions, ratings, start/end time, etc. Thus, there is a need for a system and method whereby a variety of editorial content items comprised of rich media may be viewed within a set of television navigation controls or an electronic program guide.

Schein discloses systems and methods for providing television information in an electronic program guide such that a viewer can link, search, select and interact with information in a remote database, e.g., a database on the internet. As disclosed in Schein, the television program guide information is transmitted to a viewer device, stored on the viewer device, and formatted by the viewer device to generate interactive electronic program guide images. The electronic program guide can be used to interact with and control programs displayed in a window (understood to be the electronic program guide window). Reference Schein, column 6, lines 58-65.

In addition, Schein discloses editorial context items in column 14, line 53 to column 15, line 57.

In yet another embodiment, a television program title and/or a program's content is contextually linked to an on-line service or to an available database. In this arrangement, a user, in conjunction with the data made available through an electronic program guide (or navigational system), can link, search, select, and/or initiate a subscription to more information relating to specific areas of interest or concerns associated with a program or a program's title. In the preferred embodiment, a user of an electronic program guide (e.g., as described above) can conduct a search for information about a particular program/television show or for information relating to the show, the actors, the actresses, the show's theme, other broadcast times or sources, and other related information through selection via a user interface. This linking of program title and/or program content to additional related information could be operable whenever a program title is accessible in a electronic program guide. Additionally, this linking could be available whenever a user requests it via the currently tuned program.

For example, a user previewing the program such as a movie (e.g., "Casablanca") can receive information regarding (1) the actors and actresses in that movie, (2) other movies released during the same time period, (3) associated available products, (4) related travel packages, and (5) advertisements and promotions available through primary, secondary or third party vendors, other broadcast times or sources. Utilizing a user interface such as remote control 210 or keyboard 262, the user can indicate to the electronic program guide what information they would like to view on television 200. The electronic program guide then lists a

selection of choices for the user. In the preferred embodiment, the choices are associated with the context of the selected program and can be changed via the electronic program guide supplier. In the "Casablanca" example, the choices might be (1) Other Humphrey Bogart Movies, (2) Other Lauren Bacall Movies, (3) Other Movies Released in the Same Era, or (4) Associated Products, other broadcast times or sources. The user selects from the presented choices, and the electronic program guide contacts and communicates with the database of available information for more detailed information relating to the user's choice. Once contact and communication is established between the user and the database of available television information, the electronic program guide acts as an agent to assure that the information flow and appropriate data is exchanged. At this point, the user can delve deeper into the available information by selecting from a series of further choices or related topics. For example, if the user chooses (1) Other Humphrey Bogart Movies option, the electronic program guide contacts and communicates with the selected database of available information. The database of available information is then used to collect the requested data of other Humphrey Bogart movies. The selected choice is transmitted and used by the electronic program guide as its contextual reference for the search. A list with the search results is then displayed on television 200.

Once the user sees the list of broadcast times or sources for "Casablanca," or other Humphrey Bogart movies, the user can select any of the available titles for recording or watching, or digital storage when digital program directories, libraries, or archival sources are available. In the preferred embodiment, each time the available database is contacted and searched, previously selected movies can be identified. In addition, a user can select certain types of programs to be recorded, watched, or retrieved for digital storage before any particular program is available to the electronic program guide. Moreover, each time a connection is made to an on-line service, the software can search the database and set the selected types of programs to be recorded and/or retrieved for digital storage. These features enable a consumer to never miss a favorite program.

Schein merely allows the users to access editorial context from the EPG which it accesses from a database on-line to retrieve the desired information. It does not

disclose receiving and downloading an index page having pointers to the editorial content.

Applicants' independent claim 1 is useful for highlighting differences between the subject invention as defined in independent claims 1, 7, 12, 15 and 16 and Schein.

Claim 1 recites:

"A method for presenting editorial content items on a display device within the context of an electronic program guide, the electronic program guide operative to display information regarding programming available on a broadcast distribution network, the method comprising:

receiving and storing an editorial content index page and one or more editorial content items at a client device, wherein the editorial content index page includes one or more links to the editorial content items;

while the electronic program guide is displayed, selecting a control to present the editorial content index page on the display device;

recovering and displaying the stored editorial content page;

selecting a link to an editorial content item from the set of one or more links; and

recovering and presenting the editorial content item on the display device."

Schein simply does not disclose or suggest receiving and storing an editorial content index page. Schein discloses an EPG (which is not the same as an index page) with links. Therefore, that does not anticipate an index page with links. In addition, Schein discloses editorial content that is linked to an on-line service or database. When the user selects the link while watching a program, Schein will access the on-line database and retrieve the editorial content (such as information on actors, travel packages, etc.) More specifically, Schein discloses "the electronic program guide contacts and communicates with the database of available information for more information relating to the user's choice. Once contact and communication is established between the user and the database of available television information, the electronic program guide acts as an agent to assure that the information flow and appropriate data is exchanged." (Column 15, lines 25-31). Thus, Schein's editorial content is retrieved by the EPG. On the other hand, the editorial content index page of the present invention is separate from the electronic program guide itself, is sent as an

entity, is received as an entity, is stored as an entity, is recalled as an entity, and as an entity it includes one or more links. Nothing similar is found in Schein.

Admittedly, Schein teaches receiving television information, forming that information into a program guide database, storing the database, and displaying information in that database to a user. It even discloses displaying list of editorial content. But, that list is formulated in the EPG and the information is individually retrieved from an on-line database. Therefore, Schein does not disclose or suggest sending, receiving, storing, and recalling an index page of any type.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). Schein fails to disclose each and every element, specifically an editorial content index page in independent claims 1, 7, 12, 15 and 16.

For at least the reasons discussed above, Applicants submit that independent claims 1, 7, 12, 15 and 16 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants request that the Examiner reconsider and withdraw the rejection of independent claims 1, 7, 12, 15 and 16. In addition, dependent claims 2-6, 8-11, 13 and 14 are allowable at least for their dependency, directly or indirectly, on independent claims 1, 7, 12, 15 and 16 and the rejection of these claims should also be withdrawn.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested

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that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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